

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 07 2001

JAMES B. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

CITY OF SPOKANE, a municipal
corporation,

Plaintiff,

v.

UNITED NATIONAL INSURANCE
COMPANY, a foreign corporation;
LEXINGTON INSURANCE
COMPANY, a foreign corporation; and
GENESIS INSURANCE COMPANY, a
foreign corporation,

Defendants.

CS-01-0069-WFN
NOTICE OF REMOVAL

Defendant Lexington Insurance Company petitions for removal of the above-referenced action from the Superior Court of Spokane County pursuant to 28 U.S.C. § 1441, and in support thereof states as follows:

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1332 and 1441.

2. Plaintiff commenced this action by service on defendant Lexington Insurance Company through the Insurance Commissioner of the State of Washington, on February 16, 2001. A true and correct copy of plaintiff's Summons and Complaint is attached as Exhibit 1 to the Declaration of Rehman H. Bashey.

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3. Defendant is removing this action to Federal Court on the basis of diversity jurisdiction. Plaintiff has asserted claims against Lexington Insurance Company, a foreign corporation, which is incorporated in Massachusetts and has its principal place of business in Massachusetts, for an amount in excess of \$75,000. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332, which provides for original jurisdiction in cases in which there is diversity of citizenship between parties and defendant believes the amount in controversy exceeds \$75,000.

4. This Notice of Removal is being filed within 30 days from the date on which the action was served on defendant pursuant to 28 U.S.C. § 1446(b).

5. As indicated in plaintiff's Complaint, this action is against Lexington Insurance Company, a corporation which is incorporated and has its principal place of business outside of the state of Washington, for damages exceeding \$75,000. The identity of the defendant, and therefore original jurisdiction, appear on the face of the Complaint. The Complaint recites the amount in controversy exceeds \$75,000.

WHEREFORE, defendant Lexington Insurance Company prays that the above-entitled action now pending against it in the Superior Court of Washington for Spokane County be removed to the United States District Court for the Eastern District of Washington at Seattle.

DATED this 6th day of March, 2001.

LANE POWELL SPEARS LUBERSKY LLP

By 

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Rehman H. Bashey, WSBA No. 21808
Attorneys for Defendant
Lexington Insurance Co.